Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

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QUESTIONS PRESENTED

1. Whether there is a right of action for citizens of the United States of America to bring claims into the courts of the United States to enforce the provisions of the American Convention on Human Rights, signed by President Jimmy Carter, on June 1, 1977 ?
2. Whether Petitioners Civil Rights Violated?

Petitioners have made a concerted effort to enforce and protect the following provisions of the agreement (The American Convention on Human Rights):

PART I - STATE OBLIGATIONS AND RIGHTS PROTECTED

CHAPTER I - GENERAL OBLIGATIONS

a) Article 1, "Obligation to Respect Rights"

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

CHAPTER II - CIVIL & POLITICAL RIGHTS

a) Article 25 entitled "Right to Judicial Protection"

1. Everyone has a right to simple

and prompt recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

b) Article 23, the "Right to Participate in Government"

1. Every citizen shall enjoy the following rights and opportunities:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives.

c) Article 24, "Right to Equal Protection"

1. All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

d) Article 3, "Right to Judicial Personality"

1. Every person has the right to recognition as a person before the law.

e) Article 19, "Rights of the Child"

1. Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

f) Article 4, "The Right to Life"

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be

arbitrarily deprived of his life.

CHAPTER V - PERSONAL RESPONSIBILITIES

g) Article 32, "Relationship between Duties and Rights"

1. Every person has responsibilities to his family, his community, and mankind.

2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

PART II - MEANS OF PROTECTION

a) Article 35

1. The Commission shall represent all the member countries of the Organization of American States.

Section 3. Competence

b) Article 44

1. Any person or group of persons, or any non-governmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party.

c) Article 46

1. Admission by the Commission of a petition or communication lodged in accordance with Articles 44 or 45 shall be subject to the following requirements:

a. That the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of International Law;

PARTIES TO THE PROCEEDING

In addition to the respondents named in the caption, other named respondents are JANE BOVARD, JOHN GOFF, CONNIE CLEVELAND, LAWRENCE LECLERC, FRANK RACEK, GEORGIA DAWSON, THE STATE OF NORTH DAKOTA, THE COUNTY OF CASS, THE CITY OF FARGO, DONALD RUDNICK, ANN ALZHEIMER, KIMBERLY CLARK; BYRON GREEN; DON LAWYER; TODD OSMUNDSON; DENNIS PEDERSON; LEO ROGNLIN; VINCE KEMPF; GORDON OLSON; LARRY LONGTINE; KEITH TERNES; KEVIN TWEETON; SHERI ARNOLD; KEVIN NIEMAN; and JOHN SANDERSON, all in their official capacity, and each also as individual; JANE DOE, as an individual, and MARY ROE, as an individual,

In addition to the petitioner named in the caption, the remaining named petitioners are PAUL B. MEHL; THOMAS MEHL; ROBERT RUDNICK; JOHN B. BRENNAN; KRISTEN LARSON; MICHAEL T. SENGER; ROSE SENGER; PATRICIA LARSON; DAROLD LARSON; TIM BEGALKA; MARIE A. SOLMON; BERNARD HOLECEK; THEODORE C. KJESETH; RUDY M. KJESETH; KATHRYN ANN LINDGREN; TIMOTHY LINDGREN; JODY CLEMONS, and MARTIN WISHNATSKY, individually, collectively, and for other persons similarly situated,

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American Convention on Human Rights, International Legal Materials, Vol. IX, 1970, a publication of the American Society of International Law. 3,5,15

Charles Cheney Hyde, International Law, Chiefly as Interpreted and Applied by the United States (Littleton, Colorado: Rothman & Co., 1983).....12

James McLeod Hendry, Treaties and Federal Constitutions (Westport, Connecticut: Greenwood Press, 1955, 1975), pp. 87-177, esp. p. 157.....5,12

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Petitioner, Andrew Vanyo and the other petitioners (noted on page vi) respectfully pray that a writ of certiorari issue to review the opinion of the United States Court of Appeals for the Eighth Circuit entered in the above-entitled proceeding October 16, 1995 (unpublished).(App.A.)

OPINIONS BELOW

The opinion of the Court of Appeals upon which review is sought (App. A, p. 1a) is an unpublished report (Eighth Circuit October 16, 1995) which affirmed the dismissal of petitioner's Complaint with prejudice warning that existing law did not support any of the claims or legal theories set forth in petitioner's Com plaint.

That the United States District Court as well as the Eighth Circuit Court of Ap peals are refusing to enforce the rights secured pursuant to the American Conven tion on Human Rights.

The Court of Appeals, in not commenting on the aspects of petitioner's claims, other
than affirming the District Court's opinion to dismiss the Complaint, leaves the substance of the claims in the Com plaint unresolved.

That to the best of petitioner's knowledge and belief, no other court of the United
States has made any decision in regard to the issues brought forth in the American Convention on Human Rights. Apparently,

all of the lower courts are deferring to this High Court for its decision on this most important executive agreement binding the people of the United States of America

STATEMENT OF JURISDICTION

The Opinion of the Court of Appeals was entered October 16, 1995. The Court's Jurisdiction is invoked under 28 U.S.C.A. paragraph 1254(1). Jurisdiction of the District Court was invoked under Title 28 U.S.C.A. paragraph 1331 and 1343. The jurisdiction of the Court of Appeals was invoked under Title 28 U.S.C.A. paragraphs 41 and 1291.

INTERNATIONAL AGREEMENT INVOLVED

Appendix C sets out the relevant portions of the American Convention on Human Rights which was approved by President Jimmy Carter June 1, 1977 as a result of the Inter-American specialized Conference on Human Rights at San Jose, Costa Rica November 7th to 22nd, 1969.

STATEMENT OF THE CASE

This case was commenced on November 26, 1993, in the United States District Court, District of North Dakota, Southeastern Division, by the named Petitioners, seeking damages from the named Respondents for the false arrest and false imprisonment of the named Petitioners, who were attempting to uphold the American Convention on Human Rights signed by President Jimmy Carter on June 1, 1977, (App.) which is intended to protect the sanctity of human life from the moment of conception.

The Petitioners were peacefully demonstrating at the Fargo Women's Health

Organization to inform the Respondents and the public, of the Fargo Women's Health Organization's breaking of the American Convention on Human Rights.

The named Respondents conducted a gross deviation from acceptable standards, by taking a civil matter into a criminal jurisdiction, with a tortious disregard for the rights of the named Petitioners. Petitioners were arrested, jailed, and prosecuted. Their reputations destroyed andand their finances diminished.
Between 1959 and 1969, the United States and other members of the Organization of American States (OAS) negotiated and drafted the American Convention on Human Rights. Various OAS members approved and entered into the provisions of the Convention.

The United States did sign the Convention. Article Four of the American Convention is titled "Right to Life":

> 1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life. (App.)
>
> (American Convention on Human Rights, printed in International Legal Materials, Vol. IX, 1970, a publication of the American Society of International Law)
> That the Petitioners assert this Con vention protects the right to life from conception.

CONSISTENCY WITH THE CONSTITUTION

Article Two of the Constitution sets forth the treaty-making power of the President. The Framers of the Constitution considered this an important power, and they felt it essential that the President should be able to deal with other heads of state on an equal basis.

Article Six, Clause Two of the Constitution makes it part of the supreme law of the land:

> This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land; and Judges in every State shall be bound thereby, anything in the Constitution of Laws of any State to the contrary notwithstanding.

This clause establishes the supremacy of (1) the Constitution; (2) federal statutes; and (3) treaties. The clause clearly establishes that treaties take precedence over state statutes and even over state constitutions, and that state judges are bound by treaties of the United States. See Missouri v. Holland, 252 U.S. 416 (1920).

Treaties are not made pursuant to the Constitution, but rather are made "under the Authority of the United States." The treaty-making power, it is said, is neither expressed nor implied, but rather is an inherent power which any independent nation possesses as a condition of its sovereignty in international relations. See United States v. Curtiss-Wright Export Corp., 299 U.S. 304 (1936).

Regarding treaties, former Secretary of State John Foster Dulles had this to say: "The treaty-making power is an extraordinary power, liable to abuse. Treaties make international law and they also make domestic law. Under our Constitution, treaties become the supreme law of the land. They are indeed more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution".

"Treaties, for example, can take powers away from the Congress and give them to the president. They can take powers from the state and give them to the federal government or to some international body and they can cut across the rights given the people by the Constitutional Bill of Rights."

The subject convention (treaty) was a contract signed by the President of the United States of America, and created an unimpairable contract.
The Respondents never declared that there was no American Convention on Human Rights nor did they dispute the existence of Chapter II, Article 4, paragraph 1.

This Chapter states, to wit;
"Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life".

The Respondents never submitted any case law, federal statute or other court decision which has ruled upon the American Convention on Human Rights.

The federal courts have jurisdiction to hear matters contained within the

agreements, treaties, or conventions entered into by the United States. The citizens of the United States have the right to make every effort to enforce an agreement, treaty or convention of the United States. The named Respondents knew, or should have known, that the named Petitioners were all lawfully attempting to enforce this agreement of the United States when they were seized upon and wrongfully processed criminally.

THE QUESTION PRESENTED HERE IS OF GREAT SIGNIFICANCE AND SHOULD BE SETTLED BY THIS COURT.

That the issue of the necessity of the named Petitioners to be near the abortuary known as Fargo Women's Health Organization to enforce the treaty, must be raised in a United States Court which has jurisdiction to determine those violations of that agreement, and to award the damages caused by the Respondents.

Pursuant to United States V. Belmont, 301 U.S. 324 (1937); In re Scardigli's Estate, 467 P. 2d 841 (Wash., 1070); Ex Parte Volkswagenwerk Aktiengesellschaft. 443 So.2d 880 (Ala. 1983), the American Convention on Human Rights has the same effect as a treaty and it is clear then that the convention has equal authority as the Supreme Law of the land.
The phrase, "in general" was inserted at the insistence of the United States and, according to a joint Statement of Interpretation by the United States and Brazil, reserves to each nation "discretion with respect to the content of legislation in the light of their own social developments, experience and similar factors." "The Role of the OAS in the Protection of

Human Rights," Donald T. Fox, Human Rights, III:2, Fall 1973, p. 263.
However, the Convention must be read in light of the time in which it was negotiated and formulated. The Convention was negotiated and formulated between 1959 and 1969, primarily at the Inter-American Specialized Conference on Human Rights, held at San Jose, Costa Rica, November 7-22, 1969. This is four years before Roe v. Wade. At this time abortion was illegal except to save the life of the mother in almost every state, and in most of those few which had liberalized their abortion laws, abortion was allowed only in a few additional circumstances such as rape and incest. And the other nations which composed the OAS were Latin American nations with Roman Catholic populations and attitudes toward abortion much more restrictive than those of the United States. At most, then, the phrase "in general" can be interpreted to allow the nations some limited discretion in allowing abortion in extreme circumstances such as saving the life of the mother, rape, or incest. It certainly cannot be construed to allow convenience abortions, which constitute well over 90% of all abortions which take place today. If it did, the entire provision would be a nullity, since abortion is by far the number one threat to the life and health of unborn babies.
Does a convention have the same legal effect as a treaty? The authorities say yes. It is clear that they possess equal authority as the supreme law of the land. United States v. Belmont, 301 U.S. 324 (1937); In re Scardigli's Estate, 467 P. 2d 841 (Wash., 1970); Ex Parte Volkswagen-

werk Aktiengesellschaft, 443 So.2d 880 (Ala. 1983).

The American Convention on Human Rights, with its declaration that the right to life "shall be protected by law and, in general, from the moment of conception," provides the named Petitioners and others with a basis for the necessity to enforce the provisions of the Convention, despite Roe v. Wade, abortion does violate the supreme law of our land. The OAS nations formulated this convention four years before Roe v. Wade, but The United States signed this Convention Four years after Roe v. Wade. In so far as is known, no court of record has yet ruled on the applicability of this Convention to the issue of abortion. Roe v. Wade held that the penumbra of the Bill of Rights contains a right of privacy which includes the right to abortion, and the state can interfere with a fundamental privacy right only when it has compelling interest that cannot be achieved by less restrictive means, though it failed to address the issue of the life of the unborn in the alleged equation.

In Webster v. Reproductive Services, the Court plurality refused to decide whether to overturn the basic holding of Roe v. Wade but held that the states may regulate abortion more widely than was previously imagined.

The Court's most recent abortion decision, Planned Parenthood v. Casey, 505 U.S. 833 (June 29, 1992), did little to resolve the issue. The plurality affirmed that abortion is a fundamental right, but indicated that the states may regulate that right much more widely than was previously thought.

Among the various state interests that may justify interference with the right to abortion is need to ensure that the woman is given full information about fetal development, and the need for a waiting period so the woman can make a considered decision.

The plurality further recognized that the abortion decision is fraught with serious consequences for all of society. Four Justices voted to overrule Roe v. Wade. Chief Justice Rehnquist noted that "the joint opinion of Justices O'Connor, Kennedy, and Souter cannot bring itself to say that Roe was correct as an original matter, but the authors are of the view that "the immediate question is not the soundness of Roe's resolution of the issue, but the precedential force that must be accorded to its holding." In other words, Roe v. Wade may have been a mistake from the beginning as a matter of constitutional scholarship.

Supreme Court Justice Sandra Day O'Connor, in an address given in Grand Forks, North Dakota on March 16, 1987 noted that the Supreme Court's 1973 decision striking down restrictions on first-trimester abortions -- in actuality second and third trimester abortions as well -- continues to stir demonstrations both supporting and opposing it. Justice O'Connor went on to say: "No one, it seems, considers the Supreme Court decision to settle the issue for all time. It seems to me that discussions of this type are as it should be. A Nation that docilely and unthinkingly approved every court decision as infallible...would, I believe, severely disappoint President

(James) Madison and perhaps the rest of the founders."

It is patently clear that prior to the Supreme Court's decision in ROE v WADE, the right to life was protected in every state of the Union. The right to life preempted the right to choose which the Court, in effect, unconstitutionally gave priority over the right to life. Placing the right to choose in a superior position over the God-given right to life creates an absurdity for one must first be alive before being capable of choosing and granting the right to choose to only those who have selectively been allowed to live is inequality before the law.

What is also clear from Roe, Webster, and Casey is that abortion may be regulated or even prohibited when the state has a compelling interest in doing so.
This brings us back to the American Convention on Human Rights. Does adherence to an international agreement constitute a compelling interest that justifies regulating abortion?

If international agreements are the supreme law of the land, and if the American Convention on Human Rights is an International agreement which effectively prohibits abortion, then according to Article VI, Section 2 of the Constitution, any state law or policy that permits abortion is invalid.

Does the American Convention on Human Rights countermand the right to an abortion? No court of record has yet ruled on that question. Neither Roe nor Webster nor Casey is dispositive of that question. Rather, any case involving the American Convention raises a whole new compelling

interest which has not been previously addressed.

Consequently, a lower court could either hold that a liberal abortion policy violates the supreme law of the land, or hold that the American Convention gives the named Petitioners a legal basis for the necessity to demonstrate and stop abortions, without rejecting the basic holding of Roe, Webster, and Casey. The Respondents attempted to impair the operation of a contract created by treaty to protect all forms of human life.

Where do treaties stand in relation to federal statutes? John Jay, the first Chief Justice of the United States Supreme Court, said in Federalist No. 64 that;

> ...a treaty is only another name for a bargain, and that it would be impossible to find a nation who would make any bargain with us, which should be binding on them absolutely, but on us only so long and so far as we may think proper to be bound by it. They who make laws may, without doubt, amend or repeal them; and it will not be disputed that they who make treaties may alter or cancel them; but still let us not forget that treaties are made, not by only one of the contracting parties, but by both; and consequently, that as the consent of both was essential to their formation at first, so must it ever afterwards be to alter or cancel them. The proposed Constitution, therefore, has not in the least ex tended the obligation of treaties. They are just as binding, and just as far beyond the lawful reach of legislative acts now, as they will be at

any future period, or under any form of government.

And treaties are on an equal footing with the Constitution as the supreme law of the land, Amaya v. Stanolind Oil & Gas Co., 158 F. 2d 554, cert. den. 331 U.S. 808 (C.C.A. Tex. 1947).

It is even alleged some treaties may supersede the Constitution and a nation may be bound internationally by a treaty that violates its own constitution. See James McLeod Hendry, Treaties and Federal Constitutions (Westport, Connecticut: Greenwood Press, 1955, 1975), pp. 87-177, esp. p. 157. See also Charles Cheney Hyde, International Law, Chiefly as Interpreted and Applied by the United States (Littleton, Colorado: Rothman & Co., 1983), pp. 5-60. See also Burns H. Weston, Richard A. Falk, and Anathona A. D'Amato, International Law and World Order, (St. Paul: West Publishing Co., 1980), pp. 162-199.

The named Respondents had no authority or power to enforce unlawful "orders" or "ordinances.", but instead, are to enforce the laws that are in compliance with The Constitutions, treaties, agreements, and the commonly recognized laws of general decency, concerning the citizens of The United States of America, and Citizens of the sovereign State of North Dakota.

A breach of the American Convention on Human Rights has occurred, and the named Petitioner's civil rights were violated by actions of the Respondents, and the named Petitioners were severely injured by the loss of Freedom through the

taking of a civil matter into a criminal jurisdiction.

NO STATE SHALL IMPAIR THE OBLIGATION OF CONTRACT

Pursuant to Article I, Section 10, paragraph 1, of the Constitution of The United States of America.

This precise statement of law is very clear and understandable by any person of average intelligence, and employees of the state and its subdivisions are to be held thereto absolutely.

All of the Respondents named in this case clearly impaired a contract of the United States.

This case is about a specific contract and a specific breach of that contract by all of the named Respondents. A direct consequence of this breach has resulted in severe and serious personal harm and damage to good citizens of the United States asserting their right and duty to compel all to comply with the contract.

The District Court is a court of the United States, and must accept this responsibility to hear and try the allegations contained in the named plaintiff's grievance, and there should have been an expeditious adjudication of the claims brought forth in the named Petitioner's complaint, and the named defendants thereto, should be enjoined from any further breaches of the Convention on Human (civil) Rights. The Complaint of this proceeding is premised on the breach of Federal contracts, more specifically, the breach by the named Respondents of the Petitioner's contracted civil rights, and

the breach of the American Convention on Human Rights.

The judgment was unsupported by the facts, evidence, or testimony, as the Constitutional and/or the contract should have been applied, insufficiency of evidence to justify the decision and the decision being against the laws of the United States and the contract entered into between other American states, as well as other errors in law occurring at the District and Appellate Courts, disregard the clear intent encompassed in the Convention on Human Rights, that most important Executive Contract endorsed by President Jimmy Carter under which all Citizens of the United States are Party thereof, and that intent should be applied to the issues of law, and questions of fact, presented by the moving documents of the named Petitioners.

There were no facts, evidence, or testimony that supported the awarding of costs and disbursements to the named Respondents, and/or admonishment by the Court, that the named Petitioners abstain from further pursuit of their allegations, and that fact and issue requires a new trial for better determination of the applicability of such award or admonishment based on the actual presented genuine material issues of fact, and of law.

The District Court failed to address the issues according to The Constitution of the United States of America, The North Dakota Constitution, and The Convention on Human Rights.

CONCLUSION

The conflict between Roe, Webster, Casey

and The America Convention on Human Rights must be settled.
The question is of capital importance and is the difference between life and death for multitudes of people.
The integrity of the agreement between nations must be mandated for the benefit of the member states and the public generally. The petitioners are required under the International Agreement to exhaust their remedies in the courts of the United States first before their petition would be accepted by the Inter-American Court of Human Rights.
The question is whether this Court will take this opportunity to pass its judgment to enforce the American Convention on Human Rights and Affirm/support the President of the United States of America in his efforts to resolve a very fundamental problem in America.
WHEREFORE: The Petition for Writ of Certiorari should be granted.

Dated this 12th day of January, 1996.

Submitted by: Andrew Vanyo
ANDREW VANYO, Appellant,
Attorney In Fact
3601 North 28th Street,
Moorhead, Minnesota 56560

APPENDIX A

IN THE UNITED STATES DISTRICT FOR THE DISTRICT OF NORTH DAKOTA SOUTHEASTERN DIVISION Andrew Vanyo, et al.Plaintiffs,
Civil No. A3-93-178

vs

Fargo Women's Health Organ
ization, Inc., et al. Defendants.

J U D G M E N T

Pursuant to the Order filed and entered July 11, 1994,

IT IS ADJUDGED that plaintiffs's Complaint and Amended Complaint are **DISMISSED** and the above cause of action is hereby DIS-**MISSED.**

IT IS SO ORDERED.

Dated this 11th day of July, 1994.

/s/ Rodney S. Webb, Chief Judge
United States District Court

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Andrew Vanyo, et al.
Plaintiffs,
vs Civil No. A3-93-178
Fargo Women's Health Organization, Inc., et al. Defendants.

ORDER

Before the court are Motions to Dismiss by each of the defendants. Also before the court is a Motion to Dismiss for the plaintiffs filed by Richard Varriano, counsel of record for the plaintiffs; a request by plaintiff Andrew Vanyo that the court stay action on that motion; a notice by plaintiffs Andrew Vanyo, Kathy Lindgren, Tim Lindgren, Thomas Mehl, Paul B. Mehl, Jody Clemens, Martin Wishnatsky and John B. Brennan of the dismissal of Richard Varriano as counsel of record and of intent to proceed in "propria personal" and a Motion to Dismiss Attorney Varriano by those same plaintiffs, also joined by plaintiff Robert Rudnick; plaintiff Martin Wishnatsky's Motion to Dismiss defendants Fargo Women's Health Organization, Jane Bovard, Lawrence Leclerc, Frank Racek, Georgia Dawson, State of North Dakota, City of Fargo, Ann Alzheimer, Kimberly Clark, Byron Green, Don Lawyer, Todd Osmundson, Dennis Pederson, Leo Rognlin, Vince Kempf, Gordon Olson, Larry Longtine, Keith Ternes, Kevin Tweeton, Sheri Arnold, Kevin Nieman, and John Sanderson; plaintiff Thomas Mehl's Motion to Dismiss; plaintiff Paul B. Mehl's Motion to Dismiss; plaintiff Jody Clemens's Motion to Dismiss; plaintiff Darold

Larson's Motion to Dismiss; plaintiff Patricia Larson's Motion to Dismiss; plaintiff Timothy Lindgren's Motion to Dismiss; plaintiff Kathryn Lindgren's Motion to Dismiss; and, plaintiff John B. Brennan's Motion to Dismiss. All plaintiffs's Motions to Dismiss, save plaintiff Martin Wishnatsky's, are to dismiss with prejudice and without "cost and disbursements." Defendants Fargo Women's Health Organization and Jane Bovard, and the City of Fargo, et. al., do not resist the motions to dismiss, but do object to such dismissal "without costs or disbursements to any party." These defendants seek sanctions and attorney fees and costs under Rule 11 of the Federal Rules of Civil Procedure. No other defendants have responded to the dismissal motions by nine of the eighteen plaintiffs. There are also before the court plaintiffs Andrew Vanyo and Rudy M. Kjeseth's separate ex parte Motions for Continuance of a scheduled status conference, mooted at the time of this writing; plaintiffs Andrew Vanyo's and Tim Begalka, Bernard Holecek and Robert Rudnick's separate Motions for sanctions against defendants Fargo Women's Health and Jane Bovard; and, defendants John T. Goff, Connie Cleveland, Donald Rudnick and Cass County's Motion for Summary Judgment or in the alternative, judgment on the pleadings and a Motion to Strike Motion to Dismiss by plaintiff Richard D. Varriano.

Background

The court here presents an abbreviated version of the facts leading up to the filing of the complaint in this case. Each of the plaintiffs was arrested with a violation of section 12.1-10-05 of the North Dakota Century Code by disobeying a

judicial order that restrained obstruction of the Fargo Women's Health Clinic and each was convicted of the offense charged. The arrests occurred between March of 1991 and November of that same year. Frank Racek and Georgia Dawson, Judges of County Court, County of Cass, Fargo, North Dakota, presided over the separate trials at which the plaintiffs were convicted. The original complaint was filed November 26, 1993, with an amended complaint filed March 9, 1994.

AnalysisThe plaintiffs appear to assert both federal and state law claims. The federal claims are based on organic law, the Declaration of Independence, the American Convention on Human Rights, the Nuremberg Tribunals, a Fourteenth Amendment right to personhood that they assert on behalf of unborn fetuses and an assertion that defendants are unlawfully enforcing "holocaust law." The court finds that these claims are frivolous and unwarranted by existing law. The court will not restate applicable law properly cited by defendants in their briefs supporting their separate motions to dismiss and for summary judgment, but refers to those Therefore, plaintiffs's federalclaims are dismissed.

Defendants seek sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure against plaintiffs for asserting these claims. The revision to the 1983 version of Rule 11 leaves the imposition of sanctions to the sole discretion of the trial court and that decision will be reviewed for abuse of discretion. Yagman v. Republic Insurance, 987 F.2d 622 (9th Cir. 1993); Rule 11(c) F.R.Civ.P. The court may impose sanctions if it finds that a party has presented to the court a pleading or

written motion that is "unwarranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law. "The court finds that plaintiffs's Complaint and Amended Complaint, which, as noted above, assert claims based on organic law, the Declaration of Independence, the American Convention on Human Rights, the Nuremberg Tribunals, a Fourteenth Amendment right to personhood asserted on behalf of unborn fetuses and an assertion that defendants are unlawfully enforcing "holocaust law," are unwarranted by existing law or by a nonfrivolous argument for the modification or reversal of existing law. Therefore, the court has available to it the imposition of a monetary sanction that could include payment of attorneys' fees and other expenses incurred as a result of plaintiff's actions, at least as to those plaintiffs who have not yet moved for dismissal.' However, because the court is of the view that these plaintiffs fully believe not only in their cause, but also that the law they have cited warranted this action, the court chooses the lesser sanction of an admonition. The court is of the view that an

1 It is the court's view that those plaintiffs who have moved for dismissal are within the "safe harbor" provision of Rule 11 by virtue of their motions to dismiss. Plaintiffs's former attorney, Mr. Richard Varriano, is also within the protection of this provision.

admonition is sufficient sanction to deter repetition of plaintiffs's use of organic law, the Declaration of Independence, the American Convention on Human Rights, the Nuremberg Tribunals

a Fourteenth Amendment right to personhood asserted on behalf of unborn fetuses and the assertion that defendants are unlawfully enforcing "holocaust law" in further claims of this type in this court in the future. Existing law does not support any of these claims or the theories of law upon which they are based. Plaintiffs can be assured that should they decide to use these or similar types of "legal" support for claims against these, or similar defendants, after this admonition, the court will consider more severe sanctions. For the same reasons, and with the same admonition, the court will not award attorneys's fees and/or costs.

Defendants also appear to assert one or more state claims. The court may exercise pendent jurisdiction over state claims if the state claims and a "substantial federal claim" arise out of a common nucleus of facts. Alumax Mill Products, Inc.v. Congress Financial Corp., 912 F.2d 996 (8th Cir. 1990), cert. denied, 113 S.Ct. 2930 (1993). Because no substantial federal claim exists in this case, the court will not exercise pendent jurisdiction over any state claims asserted by the plaintiffs.

Conclusion

Therefore, the federal claims in the above entitled action are **DISMISSED** with prejudice; the state claims are **DISMISSED** without prejudice.

Further, plaintiff's Andrew Vanyo's Motion for Sanctions (docket #33) is **DENIED**. Further, plaintiffs's Tim Begalka, Bernard Holecek and Robert Rudnick's Motion for Sanctions (docket #37) is **DENIED**. Further, defendants's request for sanctions (docket #30) is

GRANTED consistent with this order.
Dated this 11Tth day of July, 1994.
/s/ Rodney S. Webb, CHIEF JUDGE
UNITED STATES DISTRICT COURT

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH
SOUTHEASTERN DIVISION
Andrew Vanyo, et. al.,
Plaintiffs, Civil No. A3-93-178
-vs-
Fargo Women's Health Organ-
ization, Inc., et. al.,
Defendants.

MEMORANDUM AND ORDER

The plaintiff Andrew Vanyo has brought a motion for a new trial, ostensibly on behalf of all plaintiffs, dated July 27, 1994, supported by an affidavit and brief (docket nos. 56 and 57). The defendants have not responded. Failure to file responsive briefs can be deemed an admission that the motion is well taken, resulting in a summary ruling granting the motion. Rule 5, Local Rules of the U.S. Dist. Ct., Dist. N.D. However, the motion is not accompanied by a certificate of service. It may be, therefore, that the defendants have not been served with the motion, and are not aware of it. The lack of a certificate of service could also subject the motion to a summary denial for failure to comply with Rule 5 of the Federal Rules of Civil Procedure. The court puts these procedural matters aside, because the motion is invalid on its face and will be dismissed on its merits. The motion is brought pursuant to Rule 59, which provides that a new trial may granted "in an action in which there has been a trial by jury" or "in an action tried without a jury." There has been no trial of any kind in this case. The action was dismissed upon motions for

summary judgment, pursuant to an order dated July 12, 1994, by a Judgment entered that same date. Since there has been no trial this case does not come within the provisions of Rule 59, and there is no basis for a motion for a new trial.

Therefore it is ordered that the motion for a new trial filed July 27, 1994, docket no. 56, is denied.

Dated this 12th day of October, 1994

/s/ RODNEY S. WEBB, CHIEF JUDGE
UNITED STATES DISTRICT COURT

APPENDIX D

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 94-3794ND

Appeal from the United States District Court for the District of North Dakota. [UNPUBLISHED]

Andrew Vanyo, et al.
Plaintiffs-Appellants,
-vs-
Fargo Women's Health Organization, Inc., et al.
Defendants-Appellees,

Submitted: August 21, 1995
Filed: August 25, 1995
Before FAGG, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Andrew Vanyo, and seventeen others filed a lawsuit alleging false arrest and false imprisonment following their conviction for disobeying a judicial order that restrained obstruction of the Fargo Women's Health Organization. On motions filed by defendants and several of the plaintiffs, the district court dismissed the complaint with prejudice and imposed the sanction of an admonition, warning that existing law did not support any of the claims or legal theories set forth in the complaint. Vanyo and Holecek appeal from the post dismissal denial of Vanyo's "motion for new trial."

The district court correctly denied the untimely post judgment motion. See Fed. R. Civ. P. 59(a) (motion must be filed within ten days of judgment; new trial may be granted in actions previously tried);

see also Fed. R. Civ. P. 59 (e) (ten-day time limit) Accordingly, we affirm. See 8th Cir. R. 47B. Although the appeal is frivolous, the appellees nevertheless chose to file multiple briefs instead of moving for dismissal and summary affirmance. We thus deny the appellees' motions for sanctions.

A true copy. Attest: CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT
U.S. COURT & CUSTOM HOUSE
MICHAEL E. GANS
1114 MARKET STREET
ST. LOUIS, MISSOURI 63101
(3 1 4) 5 3 9 - 3 6 0 0

October 16, 1995
Andrew Vanyo
3601 28th Street, N.
Moorhead, MN 56560

Re: 94-3794NDF Andrew Vanyo vs. Fargo Women's Health

Dear Mr. Vanyo:

Enclosed is a copy of an order entered today in the above case at the direction of the court.

Sincerely, Michael E. Gans Clerk of Court

lcd
Enclosure(s)
cc:Bernard Holecek
Simon Helley
William Kirschner
Bruce D. Quick
Douglas A. Bahr
Garylle B. Stewart

District Court/Agency Case Number(s): CIV A3-93-178

APPENDIX E

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 94-3794NDF

Order Denying Petition for Rehearing and Suggestion for Rehearing En Banc

Andrew Vanyo,

Appellant,

V.

Fargo Women's Health Organization, Inc., etc., et al.,

Appellees.

The suggestion for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

October 16, 1995

Order Entered at the Direction of the Court:

/s/ Michael E. Gans

Clerk, U.S. Court of Appeals, Eighth Circuit

APPENDIX F

June 15, 1993
Andy Vanyo
114 Broadway
Black Building, Suite S2
Fargo, ND 58102
Dear Andy:
Thank you for contacting my Fargo office with your request that we assist you in obtaining a copy of the American Convention on Human Rights "Pact of San Jose, Costa Rica" as signed by President Jimmy Carter on June 1, 1977.

Enclosed is the complete document you requested. If I may be of further assistance to you please feel free to contact me.

Sincerely,
/s/ EARL POMEROY
Member of Congress EP:fls Enclosure
\Jun93\p8

Doc. 65 (English) Rev. 1 Corr- 2
January 7, 1970
Original: Spanish

AMERICAN CONVENTION ON HUMAN RIGHTS
SIGNED AT THE INTER-AMERICAN SPECIALIZED CONFERENCE ON HUMAN RIGHTS
San Jose Costa Rica
November 7 to 22, 1969

AMERICAN CONVENTION ON HUMAN RIGHTS

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AMERICAN CONVENTION ON HUMAN RIGHTS

PREAMBLE

The American states signatory to the present Convention,

Reaffirming their intention to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man;

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality,

and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states;

Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope:

Reiterating that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights, and

Considering that the Third Special Inter-American Conference (Buenos Aires, 1967) approved the incorporation into the Charter of the Organization itself of broader standards with respect to economic, social, and educational rights and resolved that an inter-American convention human rights should determine the structure, competence, and procedure of the organs responsible for these matters,

Have agreed upon the following:

PART I - STATE OBLIGATIONS AND RIGHTS PROTECTED

CHAPTER I - GENERAL OBLIGATIONS

Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction

the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.
2. For the purposes of this Convention, "person" means every human being.

Article 2. Domestic Legal EffectsWhere the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

CHAPTER II - CIVIL AND POLITICAL RIGHTS

Article 3. Right to Juridical Personality

Every person has the right to recognition as a person before the law.

Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
2.In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.
5. The death penalty shall not be reestablished in states that have abolished it.

4. In no case shall capital punishment be inflicted for political offenses or related common crimes.

5.Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.

6.Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.

2.No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

3. Punishment shall not be extended to any person other than the criminal.

4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as un-convicted persons.

5.Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.

6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

Article 6. Freedom from Slavery

1.No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.

2.No one shall be required to perform forced or compulsory labor. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labor, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labor shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.

3. For the purposes of this article, the following do not constitute forced or compulsory labor:

a. Work or service normally required of a person imprisoned in execution of a sentence or formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing, such work or service shall not be placed at the disposal of any private party, company, or juridical person;

b. Military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;

c. service exacted in time of danger or calamity that threatens title existence or the well-being of the community; or

d. Work or service that forms part of normal civic obligations.

Article 7. Right to Personal Liberty

1.Every person has the right to personal liberty and security.

2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.

3. No one shall be subject to arbitrary arrest or imprisonment.

4.Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.

5.Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.

6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.

7. No one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for nonfulfillment of duties of support.

Article 8. Right to a Fair Trial

1. Every person has the right to a hearing with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law. During the proceedings, every person is entitled, with full equality, to tile following minimum guarantees:

a. The right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or does not speak the language of the tribunal or court;

b. Prior notification in detail to the accused of the charges against him;

c. Adequate time and means for the preparation of his defense;

d. The right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel;

e. The inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the accused does not defend himself personally or engage his own counsel within the time period established by law;

f. The right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts;

g. The right not to be compelled to be a witness against himself or to plead guilty; and

h. The right to appeal the judgment to a higher court.

3. A confession of guilt by the accused shall be valid only if it is made without coercion of any kind.

4. An accused person acquitted by a nonappealable judgment shall not be subjected to a new trial for the same cause.

5. Criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice.

Article 9. Freedom from Ex Post Facto Laws

No one shall be convicted of any act or commission that did not constitute a criminal offense, under the applicable law, at the time it was committed. A heavier penalty shall not be imposed than the one that was applicable at the time the criminal offense was committed. If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit therefrom.

Article 10. Right to Compensation

Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice.

Article 11. Right to Privacy

1. Everyone has the right to have his honor respected and his dignity recognized.

2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.

3. Everyone has the right to the protection of the law against such interference or attacks.

Article 12. Freedom of Conscience and Religion

1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or belief, and freedom to profess or disseminate one's religion or belief's, either individually or together with others, in public or in private.

2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.

3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.

4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.

Article 13. Freedom of Thought and Expression

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:

a. Respect for the rights or reputations of others; or

b. The protection of national security, public order, or public health or morals.

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial or religious hatred that constitute incitements to lawless violence or to any other similar illegal action against any person or group of persons on any ground be considered as offenses punishable by law.

Article 14. Right of Reply

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person

responsible who is not protected by immunities or special privileges.

Articles 15, Right of Assembly

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedoms of others.

Article 16, Freedom of Association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social cultural, sports, or other purposes.

2. The exercise of this right shall be subject only to such restrictions established b;y law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health, or morals or the rights and freedoms of others.

3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

Article 17, Rights of Family

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention.

3. No marriage shall be entered into without the free and full consent of the intending spouses. 4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely an the basis of their own best interests.

5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

Article 18. Right to a Name

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

Article 19. Rights of the Child

Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

Article 20. Right to Nationality

1. Every person has the right to a nationality.

2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.

3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.

2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.
3. Usury and any other form of exploitation of man by man shall be prohibited by law.

Article 22. Freedom of Movement and Residence

1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.
2. Every person has the right to leave any country freely, including his own.
3. The exercise of the foregoing rights may be restricted only pursuant to a law to the extent necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.
4. The exercise of the rights recognized in paragraph I may also be restricted by law in designated zones for reasons of public interest.
5. No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.
6. An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.
7. Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event he is being pursued for political offenses or related common crimes.

8. In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.

9. The collective expulsion of aliens is prohibited.

Article 23. Right to Participate in Government

1. Every citizen shall enjoy the following rights and opportunities:

a. to take part in the conduct of public affairs, directly or through freely chosen representatives;

b. To vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters, and

c. To have access, under general conditions of equality, to the public service of his country.

2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

Article 24. Right to Equal Protection

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

Article 25. Right to Judicial Protection

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate

his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

2. The States Parties undertake:

a. To ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state; b. to develop the possibilities of judicial remedy; and

c. To ensure that the competent authorities shall enforce such remedies when granted.

CHAPTER III - ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Article 26. Progressive Development

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

CHAPTER IV - SUSPENSION OF GUARANTEES, INTERPRETATION, AND APPLICATION

Article 27. Suspension of Guarantees

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures

are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin.
2. The foregoing provision does not authorize any suspension of the following articles: Article 5 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 6 (Freedom from slavery), Article 9 (Freedom from Ex Post Facto Laws), Article 12 (Freedom of conscience and Religion) Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.
3. Any State Party availing itself of the right of suspension shall immediately inform the other States Parties, through the Secretary General of the Organization of American States, of the provisions the application of which it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

Article 28. Federal Clause

1. Where a State Party is constituted as a federal state, the national government of such State Party shall implement all the provisions of the Convention over whose subject matter it exercises legislative and judicial jurisdiction.
2. With respect to the provisions over whose subject matter the constituent units of the federal state have jurisdiction, the national government shall immediately take suitable measures, in accor

dance with its constitution and its laws, to the end that the competent authorities of the constituent units may adopt appropriate provisions for the fulfillment of this Convention.

Whenever two or more States Parties agree to form a federation or other type of association, they shall take care that the resulting federal or other compact contains the provisions necessary for continuing and rendering effective the standards of this Convention in the new state that is organized.

Article 29. Restrictions Regarding Interpretation

No provision of this Convention shall be interpreted as:

a. Permitting any State Party, group, or person to suppress the enjoyment or exercise of the rights and freedoms recognized in this Convention or to restrict them to a greater extent than is provided for herein;

b. Restricting the enjoyment or exercise of any right or freedom recognized by virtue of the laws of any State Party or by virtue of another convention to which one of the said states is a party;

c. Precluding other rights or guarantees that are inherent in the human personality or derived from representative democracy as a form of government; or

d. excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have.

ARTICLE 30 Scope of Restrictions

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or free

doms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

Article 31. Recognition of Other Rights

Other rights and freedoms recognized in accordance with the procedures established in Articles 76 and 77 may be included in the system of protection of this Convention.

CHAPTER V - PERSONAL RESPONSIBILITIES

Article 32. Relationship between Duties and Rights

1.Every person has responsibilities to his family, his community, and mankind.

2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

PART II - MEANS OF PROTECTION

CHAPTER VI - COMPETENT ORGANS

Article 55

The following organs shall have competence with respect to matters relating to the fulfillment of the commitments made by the States Parties to this Convention:

a. The Inter-American Commission on Human Rights, referred to as "The Commission"; and

b. The Inter-American Court of Human Rights, referred to as "The Court."

CHAPTER VII - INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Section 1. Organization

Article 34

The Inter-American Commission on Human Rights shall be composed of seven members, who shall be persons of high moral character and recognized competence in the field of human rights.

Article 35

The Commission shall represent all the member countries of the Organization of American States.

Article 36

1. The members of the Commission shall be elected in a personal capacity by the General Assembly of the Organization from a list of candidates proposed by the governments of the member states.

2. Each of those governments may propose up to three candidates, who may be nationals of the states proposing them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

Article 37

1. The members of the Commission shall be elected for a term of four years and may be reelected only once, but the terms of three of the members chosen in the first election shall expire at the end of two years. Immediately following that election the General Assembly shall determine the names of those three members by lot.

2. No two nationals of the same state may be members of the Commission.

Article 38

Vacancies that may occur on the Commission for reasons other than the normal expiration of a term shall be filled by the Permanent Council of the Organization in accordance with the provisions of the Statute of the Commission.

Article 39

The Commission shall prepare its Statute, which it shall submit to the General Assembly for approval. It shall establish its own Relations.

Article 40

Secretariat services for the Commission shall be furnished by the appropriate specialized unit of the General Secretariat of the Organization. This unit shall be provided with the resources required to accomplish the tasks assigned to it by the Commission.

Section 2. Functions

Article 41

The main function of the Commission shall be to promote respect for and defense of human rights. In the exercise of its mandate, it shall have the following functions and powers:

a. To develop an awareness of human rights among the peoples of America;

b. To make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights;

c. To prepare such studies or reports as it considers advisable in the performance of its duties;

d. To request the governments of the member states to supply it with information on the measures adopted by them in matters of human rights.

e. To respond, through the General Secretariat of the Organization of American States, to inquiries made by the member states on matters related to human rights and, within the limits of its possibilities, to provide those states with the advisory services they request;

f. To take action on petitions and other communications pursuant to its authority

under the provisions of Articles 44 through 51 of this Convention; and
g. To submit an annual report to the General Assembly of the Organization of American States.

Article 42

The States Parties shall transmit to the Commission a copy of each of the reports and studies that they submit annually to the Executive Committees of the Inter-American Economic and Social Council and the Inter-American Council for Education, Science, and Culture, in their respective fields, so that the Commission may watch over the promotion of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

Article 43

The States Parties undertake to provide the Commission with such information as it may request of them as to the manner in which their domestic law ensures the effective application of any provisions of this Convention.

Section 3. Competence

Article 44

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party.

Article 45

1. Any State Party may, when it deposits its instrument of ratification of or adherence to this Convention, or at any later time, declare that it recognizes the competence of the Commission to re

ceive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in this Convention.
2. Communications presented by virtue of this article may be admitted and examined only if they are presented by a State Party that has made a declaration recognizing the aforementioned competence of the Commission. The Commission shall not admit any communication against a State Party that has not made such a declaration.
3. A declaration concerning recognition of competence may be made to be valid for an indefinite time, for a specified period, or for a specific case.
4. Declarations shall be deposited with the General Secretariat of the Organization of American States, which shall transmit copies thereof to the member states of that Organization.

Article 46

1. Admission by the Commission of a petition or communication lodged in accordance with Articles 44 or 45 shall be subject to the following requirements:
a. That the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law;
b. That the petition or communication is lodged within a period of six months from the date on which the party alleging violation of his rights was notified of the final judgment;
c. That the subject of the petition or communication is not pending in another international proceeding for settlement; and
d. That, in the case of Article 44, the petition contains the name, nationality,

profession, domicile, and signature of the person or persons or of the legal representative of the entity lodging the petition.
2.The provisions of paragraphs 1.a and 1.b of this article shall not be applicable when:
a. The domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated;
b. The party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or
c. There has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

Article 47

The Commission shall consider inadmissible any petition or communication submitted under Articles 44 or 45 if:
a. Any of the requirements indicated in Article 46 has not been met:
b. The petition or communication does not state facts that tend to establish a violation of the rights guaranteed by this Convention;
c. The statements of the petitioner or of the state indicate that the petition or communication is manifestly groundless or obviously out of order; or
d. The petition or communication is substantially the same as one previously studied by the Commission or by another international organization.

Section 4. Procedure

Article 48

1.When the Commission receives a petition or communication alleging violation of any of the rights protected by this Convention, it shall proceed as follows:

a. If it considers the petition or communication admissible, it shall request information from the government of the state indicated as being responsible for the alleged violations and shall furnish that government a transcript of the pertinent portions of the petition or communication. This information shall be submitted within a reasonable period to be determined by the Commission in accordance with the circumstances of each case.

b. After the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed.

c. The Commission may also declare the petition or communication inadmissible or out of order on the basis of information or evidence subsequently received.

d. If the record has not been closed, the Commission shall, with the knowledge of the parties, examine the matter set forth in the petition or communication in order to verify the facts. If necessary and advisable, the Commission shall carry out an investigation, for the effective conduct of which it shall request, and the states concerned shall furnish to it, all necessary facilities.

e. The Commission may request the states concerned to furnish any pertinent information and, if so requested, shall hear oral statements or receive written statements from the parties concerned.

f. The Commission shall place itself at the disposal of the parties concerned with a view to reaching a friendly set

tlement of the matter on the basis of respect for the human rights recognized in this Convention.
2. However in serious and urgent cases, only the presentation of a petition or communication that fulfills all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an investigation with the prior consent of the state in whose territory a violation has allegedly been committed.

Article 49

If a friendly settlement has been reached in accordance with paragraph 1.f of Article 48, the Commission shall draw up a report, which shall be transmitted to the petitioner and to the States Parties to this Convention, and shall then be communicated to the Secretary General of the Organization of American States for publication. This report shall contain a brief statement of the facts and of the solution reached. If any party in the case so requests, the fullest possible information shall be provided to it.

Article 50

1. If a settlement is not reached, the Commission shall, within the time limit established by its Statute, draw up a report setting forth the facts and stating its conclusions. If the report, in whole or in part, does not represent the unanimous agreement of the members of the Commission, any member may attach to it a separate opinion. The written and oral statements made by the parties in accordance with paragraph 1.e of Article 48 shall also be attached to the report.
2. The report shall be transmitted to the states concerned, which shall not be at liberty to publish it.

In transmitting the report, the Committee may make such proposals and recommendations as it sees fit.

Article 51

1. If, within a period of three months from the date of the transmittal of the report of the Commission to the states concerned, the matter has not either been settled or submitted by the Commission or by the state concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration.

2. Where appropriate, the Commission shall make pertinent recommendations and shall prescribe a period within which the state is to take the measures that are incumbent upon it to remedy the situation examined.

3. When the prescribed period has expired, the Commission shall decide by the vote of an absolute majority of its members whether the state has taken adequate measures and whether to publish its report.

CHAPTER VIII INTER-AMERICAN COURT OF HUMAN RIGHTS

Section 1. Organization

Article 52

1. The Court shall consist of seven judges, nationals of the member states of the Organization, elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the state of which they are nationals or

of the state that proposes them as candidates.
2. No two judges may be nationals of the same state.

Article 53

1. The judges of the Court shall be elected by secret ballot by an absolute majority vote of the States Parties to the Convention, in the General Assembly of the Organization, from a panel of candidates proposed by those states.
2. Each of the States Parties may propose up to three candidates, nationals of the state that proposes them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

Article 54

1. The judges of the Court shall be elected for a term of six years and may be reelected only once. The term of three of the judges chosen in the first election shall expire at the end of three years. Immediately after the election, the names of the three judges shall be determined by lot in the General Assembly.
2. A judge elected to replace a judge whose term has not expired shall complete the term of the latter.
3. The judges shall continue in office until the expiration of their term. However, they shall continue to serve with regard to cases that they have begun to hear and that are still pending, for which purposes they shall not be replaced by the newly elected judges.

Article 55

1. If a judge is a national of any of the States Parties to a case submitted to the Court, he shall retain his right to hear that case.
2. If one of the judges called upon to hear a case should be a national of one the States Parties to the case, any other State Party in the case may appoint a person of its choice to serve on the Court as an ad hoc judge.
3. If among the judges called upon to hear a case none is a national of any of the States Parties to the case, each of the latter may appoint an ad hoc judge.
4. An ad hoc judge shall possess the qualifications indicated in Article 52.
5. If several States Parties to the Convention should have the same interest in a case, they shall be considered as a single party for purposes of the above provisions. In case of doubt, the Court shall decide.

Article 56

Five judges shall constitute a quorum for the transaction of business by the Court.

Article 57

The Commission shall appear in all cases before the Court.

Article 58

1. The Court shall have its seat at the place determined by the States Parties to the Convention in the General Assembly of the Organization; however, it may convene in the territory of any member state of the Organization of American States when a majority of the Court consider desirable, and with the prior consent of the state concerned. The seat of the Court may be changed by the States Parties to the Convention in the General Assembly by a two-thirds vote.

2. The Court shall appoint its own Secretary.

3. The Secretary shall have his office at the place where the Court has its seat and shall attend the meetings that the Court may hold away from its seat.

Article 59

The Court shall establish its Secretariat, which shall function under the direction of the Secretary of the Court, in accordance with the administrative standards of the General Secretariat of the Organization in all respect not incompatible with the independence of the Court. The staff of the Court's Secretariat shall be appointed by the Secretary General of the Organization, in consultation with the Secretary of the Court.

Article 60

The Court shall draw up its Statute which it shall submit to the General Assembly for approval. It shall adopt its own Rules of Procedure.

Section 2. Jurisdiction and Functions

Article 61

1. Only the States Parties and the Commission shall have the right to submit a case to the Court.

2. In order for the Court to hear a case, it is necessary that the procedures set forth in Articles 48 to 50 shall have been completed.

Article 62

1. A State Party may, upon depositing its instrument of ratification or adherence to this Convention, or at any subsequent time, declare that it recognizes as binding, ipso facto, and not requiring special agreement, the jurisdiction of the Court on all matters relating to the interpretation or application of this Convention.

2. Such declaration may be made unconditionally, on the condition of reciprocity, for a specified period, or for specific cases. It shall be presented to the Secretary General of the Organization, who shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court.

3. The jurisdiction of the Court shall comprise all cases concerning the interpretation and application of the provisions of this Convention that are submitted to it, provided that the States Parties to the case recognize or have recognized such jurisdiction, whether by special declaration pursuant to the preceding paragraphs, or by a special agreement.

Article 63

1. If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.

2. In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request, of the Commission.

Article 64

1. The member states of the Organization may consult the Court regarding the interpretation of this Convention or of

other treaties concerning the protection of human rights in the American states. Within their spheres of competence, the organs listed in Chapter X of the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires, may in like manner consult the Court.

2. The Court, at the request of a member state of the Organization, may provide that state with opinions regarding the compatibility of any of its domestic laws with the aforesaid international instruments.

Article 65

To each regular session of the General Assembly of the Organization of American States the Court shall submit, for the Assembly's consideration, a report on its work during the previous year. It shall specify, in particular, the cases in which a state has not complied with its judgments, making any pertinent recommendations.

Section 3. Procedure

Article 66

1. Reasons shall be given for the judgment of the Court.

2. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to have his dissenting or separate opinion attached to the judgment.

Article 67

The judgment of the Court shall be final and not subject to appeal. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment.

Article 68

1. The States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.

2. That part of a judgment that stipulates compensatory damages may be executed in the country concerned in accordance with domestic procedure governing the execution of judgments against the state.

Article 69

The parties to the case shall be notified of the judgment of the Court and it shall be transmitted to the States Parties to the Convention.

CHAPTER IX - COMMON PROVISIONS

Article 70

1. The judges of the Court and the members of the Commission shall enjoy, from the moment of their election and throughout their term of office, the immunities extended to diplomatic agents in accordance with international law. During the exercise of their official function they shall, in addition, enjoy the diplomatic privileges necessary for the performance of their duties.

2. At no time shall the judges of the Court or the members of the Commission be held liable for any decisions or opinions issued in the exercise of their functions.

Article 71

The position of judge of the Court or member of the Commission is incompatible with any other activity that might affect the independence or impartiality of such judge or member, as determined in the respective statutes.

Article 72

The judges of the Court and the members of the Commission shall receive emolu

ments and travel allowances in the form and under the conditions set forth in their statutes, with due regard for the importance and independence of their office. Such emoluments and travel allowances shall be determined in the budget of the organization of American States, which shall also include the expenses of the Court and it's Secretariat. To this end, the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it.

Article 73

The General Assembly may, only at the request of the Commission or the Court, as the case may be, determine sanctions to be applied against members of the Commission or judges of the Court when there are justifiable grounds for such action as set forth in the respective statutes. A vote of a two-thirds majority of the member states of the Organization shall be required for a decision in the case of members of the Commission and, in the case of judges of the Court, a two-thirds majority vote of the States Parties to the Convention shall also be required.

PART III - GENERAL AND TRANSITORY PROVISIONS

CHAPTER X - Signature, RATIFICATION, RESERVATIONS, AMENDMENTS, PROTOCOLS, AND DENUNCIATION

Article 74

1. This Convention shall be open for signature and ratification by or adherence of any member state of the Organization of American States.

2. Ratification of or adherence to this Convention shall be made by the deposit

of an instrument of ratification or adherence with the General Secretariat of the Organization of American States. As soon as eleven states have deposited their instruments of ratification or adherence, the Convention shall enter into force. With respect to any state that ratified or adheres thereafter, the Convention shall enter into force on the date of the deposit of it's instrument of ratification or adherence.

3. The Secretary General shall inform all member states of the Organization of the entry into force of the Convention.

ARTICLE 75

This Convention shall be subject to reservations only in conformity with the provisions of the Vienna Convention on the Law of Treaties signed on May 23, 1969.

Article 76

1. Proposals to amend this Convention may be submitted to the General Assembly for the action it deems appropriate by any State Party directly, and by the Commission or the Court through the Secretary General.

2. Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

Article 77

1. In accordance with Article 31, any State Party and the Commission may submit proposed protocols to this Convention for consideration by the States Parties at the General Assembly with a view to grad

ually including other rights and freedoms within its system of protection.
2. Each protocol shall determine the manner of its entry into force and shall be applied only among the States Parties to it.

Article 78

1. The States Parties may denounce this Convention at the expiration of a five-year period starting from the date of its entry into force and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties.
2. Such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation.

CHAPTER XI - TRANSITORY PROVISIONS

Section 1. Inter-American Commission an Human Rights

Article 79

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each member state of the Organization to present, within ninety days, its candidates for membership on the Inter-American Commission on Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented, and transmit it to the member states of the Organization at least thirty days prior to the next session of the General Assembly.

ARTICLE 80

The members of the Commission shall be elected by secret ballot of the General Assembly from the list of candidates referred to in Article 79. The candidates who obtain the largest number of votes and the votes of the representatives of the member states shall be declared elected. Should it become necessary to have several ballots in order to elect all the members of Commission, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the General Assembly.

Section 2. Inter-American Court of human Rights

Article 81

Upon the entry into force of this Convention, the Secretary General, shall in writing, request each State Party to present, within ninety days, its candidates for membership on the Inter-American Court of Human Rights. The Secretary general shall prepare a list in alphabetical order of the candidates presented and transmit it to the States Parties at least thirty days prior to the next session of the General Assembly.

Article 82

The judges of the Court shall be elected from the list of candidates referred to in Article 81, by secret ballot of the States Parties to the Convention in the General Assembly. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties shall be declared elected. Should it become necessary to have several ballots in order to elect all the judges of the Court, the candidates who receive the smallest number of votes shall be elimi

nated successively, in the manner determined by the States Parties.

STATEMENTS AND RESERVATIONS STATEMENT OF CHILE

The Delegation of Chile signs this Convention, subject to its subsequent parliamentary approval and ratification, in accordance with the constitutional rules in force.

STATEMENT OF ECUADOR

The Delegation of Ecuador has the honor of signing the American Convention on Human Rights. It does not believe that it is necessary to make any specific reservation at this time, without prejudice to the general power set forth in the Convention itself that leaves the governments free to ratify it or not.

RESERVATION OF URUGUAY

Article 80.2 of the Constitution of Uruguay provides that citizenship is suspended for a person indicted according to law in a criminal prosecution that may result in a sentence of imprisonment in a penitentiary. This restriction on the exercise of the rights recognized in Article 23 of the Convention is not envisaged among the circumstances provided for in this respect by paragraph 2 of Article 23, for which reason the Delegation of Uruguay expresses a reservation on this matter.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose full powers were found in good and due form, sign this Convention, which shall be called "PACT OF SAN JOSE, COSTA RICA", (in the city of San Jose, Costa Rica, this twenty-second day of November, nineteen hundred and sixty-nine.)

POR JAMAICA:
FOR JAMAICA:
POR JAMAICA:
POUR LA JAMAIQUE:

16th Sept: 1977

POR ECUADOR:
FOR ECUADOR:
PELO EQUADOR:
POUR L'EQUATEUR:

POR LOS ESTADOS UNIDOS DE AMERICA:
FOR THE UNITED STATES OF AMERICA:
PELOS ESTADOS UNIDOS DA AMÉRICA:
POUR LES ETATS-UNIS D'AMERIQUE:

June 1, 1977

POR BARBADOS:
FOR BARBADOS:
POR BARBADOS:
POUR LA BARBADE:

June 20, 1978

POR GUATEMALA:
FOR GUATEMALA:
PELA GUATEMALA:
POUR LE GUATEMALA:

POR NICARAGUA:
FOR NICARAGUA:
POR NICARAGUA:
POUR LE NICARAGUA:

POR PERU:
FOR PERU:
PELO PERU:
POUR LE PEROU:

27 de junio de 1977

POR GRENADA:
FOR GRENADA:
PELA GRENADA:
POUR LA GRENADE:

July 14, 1978

POR VENEZUELA:
FOR VENEZUELA:
PELA VENEZUELA:
POUR LE VENEZUELA:

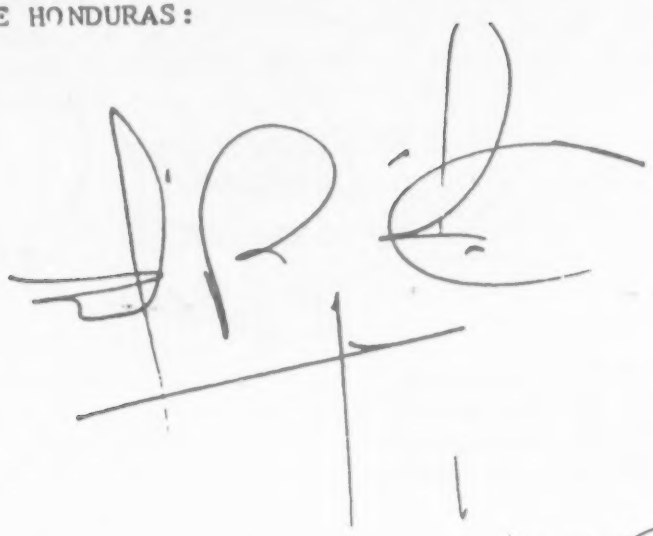
POR COSTA RICA:
FOR COSTA RICA:
POR COSTA RICA:
POUR COSTA RICA:

POR LA REPUBLICA DOMINICANA:
FOR THE DOMINICAN REPUBLIC:
PELA REPÚBLICA DOMINICANA:
POUR LA REPUBLIQUE DOMINICAINE:

rvaciones y comentarios realizados al Proyec
regular ante las Delegaciones al Consejo de la
nos el 20 de junio de 1969.

Sept. 7/77

POR HONDURAS:
FOR HONDURAS:
POR HONDURAS:
POUR LE HONDURAS:



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FOR PARAGUAY:
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POUR LE PARAGUAY:

POR CHILE:
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PELO CHILE:
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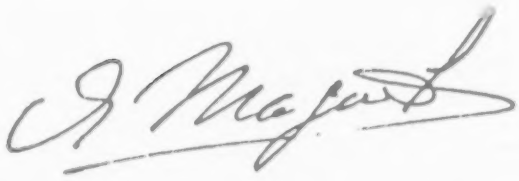

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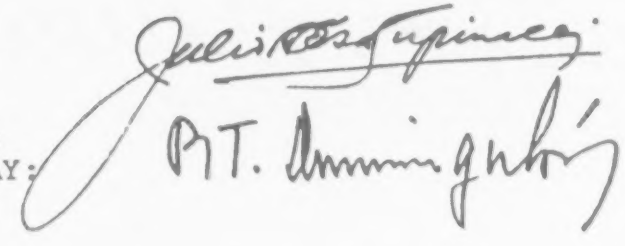

POR LA REPUBLICA ARGENTINA:
FOR THE ARGENTINE REPUBLIC:
PELA REPÚBLICA ARGENTINA:
POUR LA REPUBLIQUE ARGENTINE:

2 febrero 1984

POR EL SALVADOR:
FOR EL SALVADOR:
POR EL SALVADOR:
POUR LE SALVADOR:

POR COLOMBIA:
FOR COLOMBIA:
PELA COLÔMBIA:
POUR LA COLOMBIE:

POR PANAMA:
POR PANAMA:
PELO PANAMÁ:
POUR PANAMA:

APPENDIX G

AMERICAN CONVENTION ON HUMAN RIGHTS

Remarks on Signing the Convention, June 1, 1977

This morning, my wife is in Costa Rica, and yesterday when she arrived at the airport she reported that today, after waiting for many years, the United States would ratify this Convention on Human Rights.

In 1969, when this agreement was reached in this hemisphere, the other nations came forward to commit themselves to a legally binding document which would express the aspirations that have existed among all our countries since the first governments were formed in North and South America.

As far back as the 1820's, Simon Bolivar put forward a concept of human freedom and the responsibility of government to protect the rights of individuals.

In 1948, another agreement was reached in our hemisphere to pursue this noble endeavor of democratic and free governments. In 1969, this covenant was signed by the other nations.

This blank place on the page has been here for a long time, and it's with a great deal of pleasure that I sign on behalf of the United States this Convention on Human Rights which will spell out in clear terms our own belief in the proper relationship between free human beings and governments chosen by them. I believe that no one nation can shape the attitudes of the world, and that's why it's so important for us to join in with our friends and neighbors in the south to pursue as a unified group this noble commitment and endeavor. And I think

that it's accurate to say that among almost all the leaders of the 150 nations of the world this year, there is a preoccupation with and concern about basic human rights. Part of it is because of actions like these on behalf of free people. Another, of course, is the upcoming conference in Belgrade on the progress that has been made by the 35 signatories of the Helsinki agreement. But we are very glad this morning to join in this commitment and to follow the leadership of other countries in this hemisphere who have preceded us in the signing of this agreement. I'm very grateful to be honored by the presence here of these distinguished representatives of their governments, and I therefore sign now for the United States this agreement. [At this point, the President signed the convention.] **From: Administration of Jimmy Carter, 1977**